

**Official Ballot
Annual Town Election
Weare New Hampshire
March 08, 2005**

For Selectman

Three Year Term

Vote for Two

Blouin, James D	547
Fiala, Joseph	794
Metcalf, Charles	561
Osborne, Donna	728
Snyder, Janet M	591.
(Write-in)	
(Write-in)	

For Chief of Police

Three Year Term

Vote for One

Bailey, Peter R.	183
Begin, Gregory C.	874
Foote, Walter L.	81
Galvin, Timothy (Tim)	125
Rautenberg, Kevin D.	510
(Write-in) Myles Rigney	12

For Checklist Supervisor

Six Year Term

Vote for One

O'Brion, Leisa S.	1527
(Write-in)	7

For Library Trustee

Three Year Term

Vote for One

Kelly, Raymond J	1534
(Write-in)	5

For Cemetery Trustee

Three Year Term

Vote for One

Pelletier, Matthew	1534
(Write-in)	11

For Trustee of Trust Funds

Three Year Term

Vote for One

Farmer, Frank	1577
(Write-in)	6

For Board of Fire-Wards

Non-Member Fire Dept.

Three Year Term

Vote for One

Tiffany, William	1567
(Write-in)	3

For Board of Fire -Wards

Member Fire Dept

Three Year Term

Vote for One

Hewey, Sr. David P.	1527
(Write-in)	2

ARTICLE 2: Shall the Town amend the Zoning's Ordinance as proposed by the Planning Board as follows?

To make numerous changes to Article 27 (Cluster Housing) and Article 14 (Lot Sizing) to further define community; requiring a yield plan to demonstrate total of lots achievable; reducing the front setback; eliminating the maximum bedroom requirement of 3 and requiring the open space to be protected by permanent recreation and conservation easements. (**RECOMMENDED** by the Planning Board)

Yes 1388

No 542

ARTICLE 3: Shall the Town amend the Town's Zoning Ordinance, as proposed by the Planning Board as follows?

To add the following definition in Article 4 to read:

Yield Plan – A "Traditional Subdivision" plan showing the maximum number of building lots possible, providing an appropriate roadway system and taking into consideration the existing site conditions, including but not limited to, topography, wetlands, steep slopes and site access. (**RECOMMENDED** by the Planning Board)

Yes 1505

No 412

ARTICLE 4: Shall the Town amend the Town's Zoning Ordinance, as proposed by the Planning Board as follows?

To change Article 15 to insert a phasing table for all subdivisions, condominiums and multi-family housing of 4 dwelling units or greater and to add Article 15-A entitled "Growth Management Ordinance" with a purpose to promote and ensure orderly development with a sunset date of 2010. (**RECOMMENDED** by the Planning Board)

Yes 1261

No 642

ARTICLE 5: Shall the Town amend the Town's Zoning Ordinance, as proposed by the Planning Board as follows?

To add a section 31.1.1 of Article 31 to read, "This ordinance, adopted pursuant to the authority of RSA 674:16, shall be known as the "Town of Weare Floodplain Development Regulations." (**RECOMMENDED** by the Planning Board)

Yes 1523

No 364

ARTICLE 6: Shall the Town amend the Town's Zoning Ordinance, as proposed by the Planning Board as follows?

To add a section 31.3.21.1 to Article 31, which defines "new construction" as follows: "New construction: for the purposes of determining insurance rates, structures for which the start of construction commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, new construction means structures for which the start of construction commenced on or after the effective date of a floodplain

management regulation adopted by a community and includes any subsequent improvements to such structures." (**RECOMMENDED** by the Planning Board)

Yes 1379 No 459

ARTICLE 7: Shall the Town amend the Town's Zoning Ordinance, as proposed by the Planning Board as follows?

To add a section 31.7.4 to Article 31 which states "The Building Inspector shall maintain the aforementioned information for public inspection, and shall furnish such information upon request." (**RECOMMENDED** by the Planning Board)

Yes 1531 No 332

ARTICLE 8: Shall the Town amend the Town's Zoning Ordinance, as proposed by the Planning Board as follows?

To insert the following phrase to section 31.10.2.2, "or together with attendant utility and sanitary facilities, shall:" (**RECOMMENDED** by the Planning Board)

Yes 1429 No 375

ARTICLE 9: Shall the Town amend the Town's Zoning Ordinance, as proposed by the Planning Board as follows?

To replace the text of section 31.11.2 with the following: "If the applicant, upon appeal, requests a variance as authorized by RSA 674:3, I (b), the applicant shall have the burden of showing in addition to the usual variance standards under state law that:" (**RECOMMENDED** by the Planning Board)

Yes 1438 No 463

ARTICLE 10: Shall the Town amend the Town's Zoning Ordinance, as proposed by the Planning Board as follows?

To delete Article 6.1.3 entitled "Interpretations" and renumber the remainder of the articles. (**RECOMMENDED** by the Planning Board)

Yes 1386 No 398

ARTICLE 11: Shall the Town amend the Town's Zoning Ordinance, as proposed by the Planning Board as follows?

To change the title of Article 3.4 from Non-Conforming Use of Property to Rights of Vesting and Non-Conforming Use of Property. (**RECOMMENDED** by the Planning Board)

Yes 1374 No 414

ARTICLE 12: Shall the Town amend the Town's Zoning Ordinance, as proposed by the Planning Board as follows?

To change the following definition in Article 4 to read:

Abutter: as defined in RSA 672:3 (**RECOMMENDED** by the Planning Board)

Yes 1412 No 365

ARTICLE 13: Shall the Town amend the Town's Zoning Ordinance, as proposed by the Planning Board as follows?

To change the following definition in Article 4 to read:

Variance: shall mean such departure from the terms of the zoning ordinance, applied to use or area, as will not be contrary to the public interest, if owing to special conditions, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done. (**RECOMMENDED** by the Planning Board)

Yes 1405 No 393

ARTICLE 14: Shall the Town amend the Town's Zoning Ordinance, as proposed by the Planning Board as follows?

To change the following article 6.1 to read "Zoning Board of Adjustment: shall be empowered to act pursuant to RSA 674:33." (**RECOMMENDED** by the Planning Board)

Yes 1348 No 421

ARTICLE 15: Shall the Town amend the Town's Zoning Ordinance, as proposed by the Planning Board as follows?

To change the following article 6.1.2 to read "Rules of Procedure: The Zoning Board of Adjustment: shall adopt Rules of Procedure pursuant to RSA 676:1 and in accordance with RSA 673. (**RECOMMENDED** by the Planning Board)

Yes 1406 No 376

ARTICLE 16: Shall the Town amend the Town's Zoning Ordinance, as proposed by the Planning Board as follows?

To add the following words to Article 6.1.8 "pursuant to RSA 676:3" to the last sentence. (**RECOMMENDED** by the Planning Board)

Yes 1404 No 369

ARTICLE 17: Shall the Town amend the Town's Zoning Ordinance, as proposed by the Planning Board as follows?

To change Article 6.1.9 as follows: to delete the words "as long as" and replace with the word "whenever". (**RECOMMENDED** by the Planning Board)

Yes 1377 No 404

ARTICLE 18: Shall the Town amend the Town's Zoning Ordinance, as proposed by the Planning Board as follows?

To amend the Article 4, the definition of Plat to read: "A plat for the purpose of this section shall be a map of a specific land area whose boundaries are defined by metes and bounds." (**RECOMMENDED** by the Planning Board)

Yes 1441 No 338

ARTICLE 19: Shall the Town adopt the provisions of NFPA 13, NFPA 13D & NFPA 13R relative to the installation standards for a residential/commercial fire suppression system? (**RECOMMENDED** by the Planning Board)

Yes 1315 **No 470**

ARTICLE 20: Shall the Town amend the Town's Zoning Ordinance, as proposed by the Planning Board as follows?

To amend Article 6.1.5 to change the last sentence to read "pursuant to RSA 674:33" and delete the remainder including items a-e. (**RECOMMENDED** by the Planning Board)

Yes 1345 **No 412**

ARTICLE 21: Shall the town adopt a growth management ordinance, to be Article 33, in order to establish a rate of residential growth that allows the town the ability to provide needed municipal services, especially schools, in an orderly, predictable manner without unnecessarily overburdening its taxpaying citizens?

(By Petition) (**NOT RECOMMENDED** by the Planning Board)

Yes 1089 **No 840**

ARTICLE 22: In order to preserve open space and our rural character, shall the Town amend its Zoning Ordinance (1) to increase the minimum lot size on future lots in the rural agricultural district from the current two acres to a minimum of five acres, (2) to increase its minimum frontage requirements in the rural agricultural district from the current 200 feet to 300 feet, and (3) to increase the minimum lot size on future lots in the rural conservation overlay district from the current four acres to ten acres, as follows: (1) amend Article 14 by adding section 14.3: "In the rural agricultural district, the minimum lot size in Table 1-1 shall be 217,800 square feet,"; (2) amend Article 14 by adding section 14.4: "In any case where the provisions of this ordinance impose conflicting minimum lot sizes or minimum frontage requirements, the higher minimum shall be the requirement, provided, however, that this shall not apply to minimum frontage requirements in cluster housing."; and (3) amend 18.2.1 by adding a new sentence; "Notwithstanding the foregoing, all lots in the rural agricultural district must have a minimum frontage of 300 feet.

(By Petition) (**NOT RECOMMENDED** by the Planning Board)

Yes 888 **No 1057**

ARTICLE 23: Shall the Town raise and appropriate, as an operating budget, not including appropriations by special warrant articles and other appropriations voted separately, the amounts set forth on the budget posted with the warrant or as amended by vote of the first session, for the purposes set forth therein, totaling Three Million Seven Hundred Thirty Two Thousand Eight Hundred Sixty Seven Dollars and Seventy Three Cents (\$3,732,867.73). Should this article be defeated, the operating budget shall be Three Million Six Hundred Twenty Seven

Thousand Four Hundred Fourteen Dollars and Sixty Four Cents (\$3,627,414.64) which is the same as last year, with certain adjustments required by previous action of the Town or by law; or the governing body may hold one special meeting, in accordance with RSA 40:13, X and XVI, to take up the issue of a revised operating budget only. **(RECOMMENDED** by Board of Selectmen)

Yes 1057 No 839

ARTICLE 24: Shall the Town raise and appropriate the sum of Three Hundred Twenty Nine Thousand Five Hundred Fifty Dollars (\$329,550.00) to be added and allocated to the previously established Capital Reserve Funds as shown in the chart below?

Fire Communication Fund	\$12,500.00
Fire Equipment Fund	\$34,600.00
Fire and Rescue Vehicle Fund	\$255,450.00
Police Vehicle	\$27,000.00

(RECOMMENDED by Board of Selectmen)

Yes 1063 No 886

ARTICLE 25: Shall the Town raise and appropriate the sum of Forty Six Thousand Three Hundred Dollars (\$46,300.00) to be added and allocated to the previously established Capital Reserve Funds as shown in the chart below?

Computer System Fund	\$9,300.00
Government Building and Maintenance Fund	\$37,000.00

(RECOMMENDED by Board of Selectmen)

Yes 1061 No 875

ARTICLE 26: Shall the Town raise and appropriate the sum of Two Hundred Forty Five Thousand Dollars (\$245,000.00) to be added and allocated to the previously established Capital Reserve Funds as shown in the chart below?

Highway Truck & Equipment Fund	\$222,000.00
Transfer Station Equipment	\$18,000.00
Trash Compactor Replacement Fund	\$5,000.00

(RECOMMENDED by Board of Selectmen)

Yes 1172 No 772

ARTICLE 27: Shall the Town raise and appropriate the sum of One Hundred Thousand Dollars, (\$100,000.00) to purchase a used fire ladder truck, of the sum of One Hundred Thousand Dollars (\$100,000.00) the sum of Seventy Five Thousand Dollars (\$75,000.00) will be withdrawn from the Fire Department Vehicle Replacement Special Revenue Fund, with the balance of Twenty Five Thousand Dollars (\$25,000.00) to be withdrawn from the General Fund Surplus? **(RECOMMENDED** by Board of Selectmen)

Yes 1137 No 804

ARTICLE 28: Shall the Town raise and appropriate Ten Thousand Dollars (\$10,000.00) to replace a holding tank and drainage system and repave the surface at the South Weare Fire Station? Note: this item is not part of the operating budget. (**RECOMMENDED** by Board of Selectmen)

Yes 1140 No 796

ARTICLE 29: Shall the Town authorize the Selectmen to enter into a three (3) year lease purchase agreement for the purpose of leasing a new pickup truck at a cost of Nineteen Thousand Eight Hundred Dollars (\$19,800.000) to be used by the Weare Building Department primarily and other departments as need arises, and to raise and appropriate the sum of Six Thousand Nine Hundred Thirty Four Dollars and Seven Cents (\$6,934.07) for the fiscal year 2005 lease payment? Note: The lease contract will contain a non-appropriations clause. (**RECOMMENDED** by Board of Selectmen)

Yes 810 **No 1057**

ARTICLE 30: Shall the Town raise and appropriate Thirty Thousand Dollars (\$30,000.00) to cover costs associated with tearing down the old center fire station and replacing the Town well to a new site? Note: In 2004 the Town voted to tear down the old center fire station, however no funds were appropriated. (**RECOMMENDED** by Board of Selectmen)

Yes 997 No 874

ARTICLE 31: Shall the Town establish a General Maintenance Expendable Trust Fund to be known as Fire Suppression Facilities General Maintenance Expendable Trust Fund under the provisions of RSA 31:19-a for the purpose of maintaining any existing and future cisterns, fire ponds, etc., and to raise and appropriate the sum of Five Thousand Dollars (\$5,000.00) for that purpose, and to designate the Board of Selectmen as agents to expend? (**RECOMMENDED** by Board of Selectmen)

Yes 1177 No 672

ARTICLE 32: Shall the Town raise and appropriate the sum of Three Hundred Forty Seven Thousand Eight Hundred Fifty Three Dollars (\$347,853.00) for road reconstruction and resurfacing of roads? Of the \$347,853.00, the sum of Two Hundred Twenty Six Thousand Seventy Two Dollars and Thirty Five Cents (\$226,072.35) would be received from Highway Block Grant Funds from the State of New Hampshire (Pursuant to RSA 235) with One Hundred Twenty One Thousand Seven Hundred Eighty Dollars and Sixty Five Cents (\$121,780.65) to be raised by taxation. (**RECOMMENDED** by Board of Selectmen)

Yes 1422 No 449

ARTICLE 33: Shall the Town raise and appropriate Five Thousand Dollars (\$5,000.00) to be placed in the previously established Bridge Improvement General Maintenance Capital Reserve Fund? (**RECOMMENDED** by Board of Selectmen)

Yes 1273 **No 577**

ARTICLE 34: Shall the Town raise and appropriate the non-transferable sum of Fourteen Thousand Dollars (\$14,000.00) to cover the costs of the Town's participation in two (spring and fall) local Household Hazardous Waste Collections in the year 2005, or to take any other action in relation thereto? Of the sum of \$14,000.00, the sum of Three Thousand Forty Three Dollars and Twenty Six Cents (\$3,043.26) would be provided by the New Hampshire Department of Environmental Services, Waste Management Division, on a per capita basis, as an after the completion offset to the costs of the project, and the sum of Ten Thousand Nine Hundred Fifty Six Dollars and Seventy Four Cents (\$10,956.74) to be raised by taxation. (**RECOMMENDED** by Board of Selectmen)

Yes 1348 **No 515**

ARTICLE 35: Shall the Town establish a Capital Reserve Fund under the provisions of RSA 35:1 to be known as the Fuel System Replacement Fund for the purpose of town vehicle fuel system replacement, and to raise and appropriate Ten Thousand Dollars (\$10,000.00) to be placed in the fund, and to designate the Board of Selectmen as agents to expend? (**RECOMMENDED** by Board of Selectmen)

Yes 733 **No 1100**

ARTICLE 36: Shall the Town raise and appropriate the non-lapsing sum of Three Thousand Dollars (\$3,000.00) for the purpose of exotic weed inspections at the Chase Park boat ramp? This amount will be offset, either in total or in part, by a launch fee. Note: If approved, this amount will become part of future Parks and Recreation operating budgets. (**RECOMMENDED** by Board of Selectmen)

Yes 1197 **No 651**

ARTICLE 37: Shall the Town raise and appropriate the sum of Nine Thousand Three Hundred Ten Dollars (\$9,310.00) to hire a part-time assistant for the Selectmen's Office? Note: This item is not included in the operating budget. If approved will become part of the Selectmen's Office future operating budget. (**RECOMMENDED** by Board of Selectmen)

Yes 478 **No 1370**

ARTICLE 38: Shall the Town raise and appropriate the sum of One Thousand Nine Hundred Thirty Eight Dollars (\$1,938.00) to be expended by the Trustees of the Weare Public Library for staff to extend library hours by one hour on Saturdays and to hire an additional part-time page for four hours a week? Note: If

approved, this item will become part of the future operating budget.
(**RECOMMENDED** by Board of Selectmen)

Yes 1197 No 668

ARTICLE 39: Shall the Town establish a Capital Reserve Fund under the provisions of RSA 35:1 to be known as the Library Computer Replacement Fund for the purpose of replacing library computer equipment, and to raise and appropriate Three Thousand Six Hundred Dollars (\$3,600.00) to be placed in the fund with the sum to be taken from the Library account, and to designate the Library Trustees as agents to expend? (**RECOMMENDED** by Board of Selectmen)

Yes 1294 No 567

ARTICLE 40: Shall the Town raise and appropriate the sum of Two Hundred Fifty Thousand Dollars (\$250,000.00) to be deposited in the Conservation Fund for the purpose of Conservation Land, Conservation Easement or Town Forest land acquisition? (**NOT RECOMMENDED** by Board of Selectmen)

Yes 892 **No 956**

ARTICLE 41: Shall the Town authorize the expenditure of Eighty Thousand Dollars (\$80,000.00) from the Town Forest Account to be used in combination with the Conservation Fund for the acquisition of New Town Forest land, and to designate the Board of Selectmen as agents to expend? (**RECOMMENDED** by the Board of Selectmen)

Yes 1070 No 769

ARTICLE 42: Shall the Town raise and appropriate the non-transferable sum of One Thousand Four Hundred Thirty Seven Dollars (\$1,437.00) for the purpose of general maintenance and upkeep of the Town Forests, and to authorize the Board of Selectmen to withdraw and expend the amount of One Thousand Four Hundred Thirty Seven Dollars (\$1,437.00) for this purpose from the Town Forest Account? (**RECOMMENDED** by Board of Selectmen)

Yes 1341 No 516

ARTICLE 43: Shall the Town establish a Capital Reserve Fund under the provisions of RSA 35:1 to be known as the Chase Park Fund for the purpose of improvement maintenance and development of Chase Park a Town recreational facility and to raise and appropriate the sum of Twenty Eight Thousand Five Hundred Dollars (\$28,500.00) to be placed in the Fund with the sum of Twenty Eight Thousand Five Hundred Dollars (\$28,500.00) to be taken from the General Fund Surplus, and to designate the Board of Selectmen as agents to expend? (**RECOMMENDED** by Board of Selectmen)

Yes 1231 No 690

ARTICLE 44: Shall the Town establish a Capital Reserve Fund under the provisions of RSA 35:1 to be known as the Recreational Development and Improvement

Fund for the purpose of developing and improving Town recreational facilities, and to raise and appropriate the sum of Thirty Thousand Nine Hundred Dollars (\$30,900.00) to be placed in the Fund, with the sum of Thirty Thousand Nine Hundred Dollars (\$ 30,900.00) to be taken from the General Fund Surplus, and to designate the Board of Selectmen as agents to expend? (**RECOMMENDED** by Board of Selectmen)

Yes 1155 No 767

ARTICLE 45: Shall the Town raise and appropriate Eight Thousand Dollars (\$8,000.00) to be drawn from the revenues produced by the Cable franchise fees and place this amount into the previously established Community Access TV Equipment Fund? (**RECOMMENDED** by Board of Selectmen)

Yes 1142 No 777

ARTICLE 46: Shall the Town raise and appropriate the sum of Ten Thousand Dollars (\$10,000.00) to be placed in the previously established Employee Retirement General Maintenance Capital Reserve Fund? (**RECOMMENDED** by Board of Selectmen)

Yes 757 **No 1134**

ARTICLE 47: Shall the Town raise and appropriate the sum of Fifteen Thousand Dollars (\$15,000.00) for cemetery improvements. This sum to be withdrawn from Cemetery Trust Funds as provided by RSA 31:22a (cy pres), and to designate the Cemetery Trustees as agents to expend? (**RECOMMENDED** by Board of Selectmen)

Yes 1297 No 610

ARTICLE 48: Shall the Town modify the current war service credit of One Hundred Dollars (\$100.00) to Four Hundred Dollars (\$400.00) subject to the stipulations of RSA's 72, 72:27a, 72:28 & 72:29 as of March 8,2005? (**RECOMMENDED** by Board of Selectmen)

Yes 1416 No 502

ARTICLE 49: Shall the Town raise and appropriate the non-transferable sum of Six Thousand Dollars (\$6,000.00) for the purpose of purchasing fireworks for the 2005 Weare Patriotic Celebration? (**RECOMMENDED** by Board of Selectmen)

Yes 1369 No 572

ARTICLE 50: Shall the Town take action to change the name of the Police Radio Capital Reserve Fund to become the Police Communication Fund and to change the purpose thereof to fund the purchase and maintenance of police communication equipment, as provided by RSA 35:16, and to retain all existing funds in said Fund? Approval requires a two-thirds (2/3) majority of voters. (**RECOMMENDED** by Board of Selectmen)

Yes 1439 No 472

ARTICLE 51: Shall the Town designate as Town Forest 21 adjoining Town owned parcels and the undeveloped roadway between the aforementioned parcels on Chevy Hill in accordance with RSA 31:110 to be managed by the Weare Conservation Commission? Said parcels containing 90 +/- acres are lots 127,143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, and 162 on tax map 404. (**RECOMMENDED** by Board of Selectmen)

Yes 1482 No 416

ARTICLE 52: Shall the Town place into conservation three adjoining Town-owned parcels on Dustin Tavern Road to be managed by the Weare Conservation Commission for open space and natural resource value? Said parcels containing 76.6+/- acres are lots 226, 228, and 230 on tax map 411. (**RECOMMENDED** by Board of Selectmen)

Yes 1542 No 363

ARTICLE 53: Shall the Weare Public Library be permitted to retain all money it receives from its income generating equipment to be used for general repairs and upgrading, and for the purchase of books, supplies and income-generating equipment (as stated in RSA 202-A:11-b)? Note: Such permission, if granted, would remain effective until rescinded (**RECOMMENDED** by Board of Selectmen)

Yes 1748 No 186

ARTICLE 54: Shall the Selectmen enact a policy change such that, no written municipal employment contracts be enacted without at least two (2) public hearings? (By Petition) (**NO Recommendation** by Board of Selectmen)

Yes 1081 No 778

ARTICLE 55: In order to ensure that zoning ordinances voted by the Town are appropriately defended should they be challenged in court, shall the Town authorize the Town Moderator, the Chairman of the Finance Committee and the Chairman of the Conservation to appoint a committee of five registered voters to act on behalf of the Town and/or it's Land Use Boards for the next three years in defending against any lawsuit challenging the validity of any Town, Zoning or Land Use Ordinance that was enacted over the adverse recommendation of the Selectmen, Zoning or Land Use Boards? (By Petition) (**NO Recommendation** by Board of Selectmen)

Yes 491 **No 1452**